



Z-08-06-009

**City of Greensboro Planning Department  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: July 14, 2008**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Derek Allen
<b>HEARING TYPE</b>	Zoning Commission
<b>REQUEST</b>	<b>RS-12</b> (Residential- Single Family) to <b>CD-LB</b> (Conditional District-Limited Business)
<b>CONDITIONS</b>	1) Use shall be limited to an events center which typically would host receptions, weddings, parties and the like.
<b>LOCATION</b>	1807-1809 New Garden Road
<b>PARCEL ID NUMBER (S)</b>	<b>00-03-0175-0-0832-00-013/00-03-0175-0-0832-00-050(Portion of)</b>
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). 39 notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~4.69 acres
<b>TOPOGRAPHY</b>	Sloping towards west and perennial stream
<b>VEGETATION</b>	Primarily wooded beyond existing single family residence

**SITE DATA**

<b>Existing Use</b>	Single family dwelling (occupied)
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N RS-12	Vacant
E RS-12	Single family dwelling
W RS-12	Perennial stream and single family dwelling beyond
S CD-RM-8 & RS-12 (w/SUP)	Townhomes (under construction) and relocated Moose Lodge

**Zoning History****Case #****Date****Request Summary**

This property has been zoned RS-12 since July 1, 1992. Prior to the implementation of the UDO, it was zoned RA-40

**ZONING DISTRICT STANDARDS****District Summary \***

Zoning District  
Designation:

Existing  
**(RS-12)**

Requested  
**(CD-LB)**

Max. Density: 3 dwelling units per acre

N/A

Typical Uses Primarily intended to accommodate moderate density single-family detached dwellings in developments where public water and sewer service is required.

Primarily intended to accommodate moderate intensity shopping and services close to residential areas.

*\*These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.*

**SPECIAL INFORMATION****Overlay District Ordinance/Historic Preservation – N/A****Environmental/Soils**

Water Supply Watershed Yes, site drains to Greensboro Watersupply Watershed (Horsepen Creek)

Floodplains Floodplain & Floodway encroach in the property. No development including fill is allowed within the floodway. Floodplain Development Permit required for any disturbance in the floodplain. Any development in the floodplain must meet the floodplain ordinance.

Streams Yes, Perennial stream onsite. 100ft undisturbed stream buffer is required measured from top of bank if high density development is proposed. For low density development stream buffer required is 30 feet.

Other: Max.70% BUA for high density development in Greensboro Watershed. If high density development (24%-70%) is proposed, all built upon area must drain & be treated by a State approved water quality device (pond or similar). If low density development is proposed, site must meet score sheet requirements. Possible wetlands, wetlands will need to be identified. Contact the State & Corps for any wetland disturbance or any stream crossing or disturbance.

**Airport Noise Cone**

The subject property is not located in the Airport Noise Cone.

**Landscaping Requirements**

Location	Required Planting Yard Type and Rate
North	Vacant Land - Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
South	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
East	Type A Yard – avg. width 50'; 4 canopy trees per 100'; 10 understory trees per 100'; 33 shrubs per 100'
West	NA - Utility Easement (DMUE)

**Tree Preservation Requirements**

Acreage	Requirements
4.69 Ac.	All trees 4" or greater DBH which are located within the required planting yards

**Transportation**

Street Classification	New Garden Road – Major Thoroughfare.
Site Access	All access shall be designed and constructed to the City of Greensboro standards.
Traffic Counts:	New Garden Road ADT = 16,500.
Trip Generation:	N/A.
Sidewalks	Sidewalks are a requirement of the Development Ordinance. 5' sidewalk with a 5' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. There is a roadway widening project which includes the construction of sidewalk on both sides of the street.
Transit in Vicinity	No.
Traffic Impact Study (TIS)	No, not required per TIS Ordinance.
Street Connectivity	N/A.
Other	There is a project to widen New Garden Road to a 4-lane divided facility. Construction is scheduled for Fall 2008.

**IMPACT ANALYSIS****Land Use Compatibility**

The proposed **CD-LB** (Conditional District – Limited Business) zoning would allow land uses that are incompatible with the general character of the area.

**Connections 2025 Comprehensive Plan Policies**

The Generalized Future Land Use Map designates this location as **Low Residential**. The requested **CD-LB** zoning district is consistent with this GFLUM designation.

**Connections 2025 Written Policies**

Reinvestment/Infill Goal: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

POLICY 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

POLICY 6A.4: Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible commercial encroachments into residential neighborhoods

Economic Development Goal: Promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

**Connections 2025 Map Policies**

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

**CONFORMITY WITH OTHER PLANS**

**City Plans - N/A**

**Other Plans - N/A**

**Staff/Agency Comments****Planning**

The subject property currently consists of a single-family dwelling and a vacant lot. To the immediate west is the city's open space and drainage way. To the east are single-family dwellings and to the south are townhomes (under construction) and the relocated Moose Lodge. The general area is characterized by single-family and multifamily dwellings. The applicant intends to use this site as an events center.

The proposed **CD-LB zoning** designation would allow uses that are not compatible with the existing adjacent residential neighborhood and would reinforce the negative trend of converting residential uses to commercial uses. There is an events center directly across the street from the subject site and the Applicant has not demonstrated the need for additional events centers in the vicinity. By approving this request, the City may not be able to ensure protection of the residential character of the neighborhood. The events center located south of the subject site was approved with a special use permit in the RS-12 zoning district. Precedence does not apply in this case. Staff has determined that disrupting the residential character of a stable and well established neighborhood with the intrusion of poorly located commercial uses is against the intent and purpose of the Zoning Code. This may set a precedent for additional conversions of residential properties to commercial uses along the entire length of New Garden Road. Also, Staff has reservations about this request because it does not specify the maximum square footage of the events center neither does it specify the maximum number of attendees per event.

Staff has therefore determined that this request does not implement enough measures to protect neighborhoods from potential negative impacts of commercial projects that are inconsistent with the neighborhood's livability, architectural and historical character.

Staff has made a determination that this request is inconsistent with the intent and purpose of the zoning code and the Comprehensive Plan (Connections 2025). Staff is also of the opinion that the request is not compatible with the existing development and trend in the surrounding area.

**Water Resources**

Contact the State & Corps for any wetland disturbance or any stream crossing or disturbance.

**Housing and Community Development**

No additional comments.

**STAFF RECOMMENDATION****PLANNING**

Staff recommends **Denial** of the requested **CD-LB** (Conditional District – Limited Business) zoning district.